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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,870	11/20/2000	Eric Engstrom	41003.P037	2255

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EXAMINER	
VU, KIEU D	

ART UNIT	PAPER NUMBER
2173	24

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/718,870	ENGSTROM ET AL.	
	Examiner	Art Unit	
	Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless :
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6, 11, 13-16 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Horvitz et al (USP 5,880,733).

Regarding claims 1, 11 and 21, Horvitz teaches displaying execution results of a first plurality of application in a first plane of a metaphoric desktop and Horvitz teaches displaying execution results of a second plurality of application in a second plane of the metaphoric desktop (see figure 3, col 10, lines 47-59 or col. 10, line 19 to col. 14, line 37).

Regarding claims 3, 13 and 22, the transition (morphing) from the first plan to the second plane as the front plane or the back plane occurs in response to a user's control (see col. 3, lines 45-55 and col. 12, lines 31-50) (also see figure 13, col. 19, lines 32-61).

Regarding claims 4, 14 and 23, Horvitz further teaches that planes can be rotated 90, 180, 270 or 360 degrees over the vertical axis as illustrated in figure 13.

Regarding claims 5, 15 and 24, Horvitz further teaches that plurality of the planes (plurality of portion of metaphoric desktop) can be rotated 90, 180, 270 or 360 degrees over the vertical axis as illustrated in figure 13.

Regarding claims 6 and 16, Horvitz further teaches front plane (38 in figure 3 or 177 in figure 13) and back plane (44 in figure 3 or 173 in figure 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (USP 5,880,733).

Horvitz differs from the claim in that Horvitz does not explicitly specify that one of the running applications is an on-line application or web-related application. In figure 3, Horvitz shows windows applications on desktop. However, it is old and well known in the art that web-browser is a windows applications. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a web-browser as a windows applications in Horvitz's desktop with the motivation being to enable world wide web access for Horvitz's desktop.

5. Claims 7-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (USP 5,880,733).

Regarding claims 7 and 17, Horvitz differs from the claim in that Horvitz does not explicitly specify that the display of the execution result of the second applications comprises redirecting the graphics service to store pictorial representations of the results of the first application to an alternate display buffer and to store pictorial representations of the results of the second application to the current display buffer. However, it is old and well known in the art that the current display buffer is used to store pictorial representations of the results of the application that is currently being

selected for display. Thus, if the second application is selected for display, then the current display buffer has to store pictorial representations of the results of the second application and redirect the results of the first application to an alternate display buffer. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redirect the results of the first application to an alternate display buffer and to store pictorial representations of the results of the second application in the current display buffer with the motivation being to enable the system to properly display the result of the second application and not the first application.

Regarding claims 8 and 18, Horvitz differs from the claim in that Horvitz does not explicitly specify that one of the running applications is an on-line application or web-related application. In figure 3, Horvitz shows windows applications on desktop. However, it is old and well known in the art that web-browser is a windows applications. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a web-browser as the second windows applications in Horvitz's desktop with the motivation being to enable world wide web access for Horvitz's desktop.

Regarding claims 9-10 and 19-20, when the user select the first application again for display, the system of Horvitz would then resume storing the pictorial representations of the results of the first application in the current or standard display buffer.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beard (USP 4,899,136) teaches user interface display with metaphoric objects. MacPhail (USP 6,556,225) teaches a three dimensional graphical display with rotation in a desktop.

7. Applicant's arguments filed 08/25/03 have been fully considered but they are not persuasive.

The Applicant interprets the reference too literally. "Workspace" of Horvitz can be reasonably interpreted as a place where user can perform work. Therefore, "workspace" reads on the "desktop" of the claim.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

10/31/03

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100